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6 *Attorney for Plaintiff,*
7 GREAT BOWERY INC. d/b/a TRUNK ARCHIVE

8 **IN THE UNITED STATES DISTRICT COURT
9 FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

10 GREAT BOWERY INC. d/b/a
11 TRUNK ARCHIVE,

12 Plaintiff,

13 v.

14 DELUXE BEAUTE BEVERLY
15 MEDICAL SPA, A
16 PROFESSIONAL CORPORATION
17 d/b/a DELUXE COSMETIC
18 CENTER; CHERYL CHEN,
19 individually; KEVIN DO,
individually; TIFFANY HO,
individually; and DOES 1 through 10
inclusive,

20 Defendants.

Case No. 2:24-cv-1334-CBM-SK

21 **DECLARATION OF MATHEW K.
HIGBEE IN SUPPORT OF REQUEST
FOR ENTRY OF CERTIFICATE OF
DEFAULT AS TO DEFENDANTS
DELUXE BEAUTE BEVERLY
MEDICAL SPA, A PROFESSIONAL
CORPORATION d/b/a DELUXE
COSMETIC CENTER; CHERYL
CHEN; and KEVIN DO**

22 I, Mathew K. Higbee, declare as follows:

23 1. I am an attorney duly admitted to practice before the courts of the State
24 of California and the United States District Court for the Central District of
25 California. I am the attorney for Plaintiff Great Bowery Inc. d/b/a Trunk Archive in
26 the above-captioned action. I am over the age of 18 and not a party to the action.

27 2. I make this Declaration in support of Plaintiff's request that the Clerk
28 enter default against Defendants Deluxe Beaute Beverly Medical Spa, A

1 Professional Corporation d/b/a Deluxe Cosmetic Center (“Deluxe”); Cheryl Chen
2 (“Chen”); and Kevin Do (“Do”) pursuant to Fed. R. Civ. P. 55(a).

3 3. I have personal knowledge of the following facts, and if called as a
4 witness, I could and would testify as follows:

5 4. This action was commenced on February 19, 2024 pursuant to the
6 rights, remedies, and causes of action provided under the United States Copyright
7 Act, 17 U.S.C. § 101 *et seq.*, and other applicable provisions as referenced in the
8 Complaint. [See Doc. No. 1.]

9 5. Defendant Deluxe is a California professional corporation, and
10 according to the California Secretary of State’s Statement of Information, Deluxe’s
11 agent for service of process is Cheryl Chen.

12 6. Attached hereto as Exhibit “A” is a true and correct copy of the
13 Statement of Information on file with the California Secretary of State for Deluxe.

14 7. Pursuant to Rule 4(h) of the Federal Rules of Civil Procedure, Plaintiff,
15 through a private process server, served Deluxe on April 8, 2024 by delivering a
16 copy of the Summons and of the Complaint to Chen at 23790 Canyon Vista Ct.,
17 Diamond Bar, CA 91765. [See Doc. No. 13.]

18 8. On April 23, 2024, an executed Proof of Service was filed with the
19 Court. *Id.*

20 9. Chen is an individual, and pursuant to Rule 4(e) of the Federal Rules of
21 Civil Procedure, Plaintiff, through a private process server, personally served Chen
22 with a copy of the Summons and of the Complaint on April 8, 2024 at her residence,
23 23790 Canyon Vista Ct., Diamond Bar, CA 91765. [See Doc. No. 12.]

24 10. On April 23, 2024, an executed Proof of Service was filed with the
25 Court. *Id.*

26 11. Do is an individual, and pursuant to Rule 4(e) of the Federal Rules of
27 Civil Procedure, Plaintiff, through a private process server, substitute-served Do on
28 April 8, 2024 by leaving a copy of the Summons and of the Complaint at Do’s
residence or usual place of abode, 23790 Canyon Vista Ct., Diamond Bar, CA

1 91765, with a Chen, a person of suitable age and discretion who resides at that
2 residence . [See Doc. No. 14.]

3 12. On April 23, 2024, an executed Proof of Service was filed with the
4 Court. *Id.*

5 13. As of the date of this Declaration, no answer has been filed with the
6 Court on behalf of Defendant Deluxe, Defendant Chen, or Defendant Do;
7 Defendants have made no formal appearance; nor have Defendants otherwise
8 defended herein.

9 14. The time for Defendants to answer, plead, or otherwise respond to the
10 Complaint has expired, and such time has not been extended.

11 15. I am informed and believe that Defendants are not infants, nor
12 incompetent, and that the Service Members Civil Relief Act of 2003 (50 U.S.C. App.
13 § 501 et seq.) does not apply.

14 I declare under penalty of perjury that the foregoing is true and correct under
15 the laws of the United States of America.

16 Executed this 13th day of May, 2024 at Santa Ana, CA.

17 /s/ Mathew K. Higbee
18 Mathew K. Higbee

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